

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. John Lee Graham, Jr.

Docket No. 5:06-CR-233-1F

Petition for Action on Supervised Release

COMES NOW Julie Wise Rosa, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, John Lee Graham, Jr., who, upon an earlier plea of guilty to Conspiracy To Distribute and Possess With the Intent to Distribute More Than Fifty Grams of Cocaine Base (Crack), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge on July 5, 2007, to the custody of the Bureau of Prisons for a term of 141 months. On June 2, 2009, pursuant to 18 U.S.C. § 3582(c)(2), his sentence was reduced to 114 months. On June 20, 2012, his sentence was then reduced to 90 months custody pursuant to 18 U.S.C. § 3582(c)(2). It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

John Lee Graham was released from custody on March 15, 2013, at which time the term of supervised release commenced. On January 27, 2014, the defendant tested positive for the use of cocaine. The court was notified and Graham was referred for treatment. Subsequently, on September 18, 2014, the defendant tested positive for the use of cocaine. His conditions were amended to include a two-day jail sanction. On July 23, 2015, the defendant tested positive for the use of cocaine. The defendant's use of this substance occurred days prior to him securing employment for the first time in over a year. In an effort to preserve his employment status, the court imposed a 30 day period of home detention.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 14, 2015, the probation officer met with Graham to conduct a random drug screen. Prior to submitting to urinalysis testing, the defendant advised that he is struggling with his cocaine addiction and he is in need of intensive treatment. Although this service was previously made available to the defendant, he acknowledged that he now accepts this is an issue he is not able to handle on his own and he is in need of treatment. The test collected that day, as well as on October 16, 2015, was positive for the use of cocaine. A subsequent test on October 21, 2015, was negative. In light of the defendant's request for intensive treatment, the probation officer is hopeful that extending the period of home detention by an additional 30 days, as well as requiring maximum participation in the intensive outpatient treatment program at Waynesboro Clinic will allow Graham a final opportunity to gain control over his addiction. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for an additional period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,
/s/ Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Julie Wise Rosa
Julie Wise Rosa
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8660
Executed On: October 30, 2015

ORDER OF THE COURT

Considered and ordered this 30th day of October, 2015 and ordered filed and
made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge